

15817

NORTH SLOPE BOROUGH

COASTAL MANAGEMENT PROGRAM



**COASTAL ZONE
INFORMATION CENTER**

I remember on our trips from Barter Island to Barrow in the 1930's spending the night with people at each stop. There were houses along the coast every 20 or 30 miles. This was one day's travel by dog team.

**Isaac Akootchook
Kaktovik Resident**

I remember when we lived between Demarcation Point and Barter Island, we once went to Kotzebue along the coast line. This was sometime between 1925-1930. We went in the late spring by dog team and saw people all along the coast. We stayed at many houses where people were living and as you left one house, you could see the smoke of the next.

**Niel Allen
Nuiqsut Resident**

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Alaska, Coastal Management Program

INTRODUCTION

The Alaska Coastal Management Act of 1977 requires that the North Slope Borough develop and adopt a plan for the management of its coastal region. This plan, called a "district coastal management program," must meet the standards contained in the Act and the regulations of the Alaska Coastal Policy Council.

Once drafted, the district program is reviewed. State regulations set forth a complex review process, described in detail in the *State of Alaska Coastal Management Program and Final Environmental Impact Statement* (U.S. Department of Commerce, 1979). That process is briefly outlined here.

First, the draft program is made available to interested persons for review. The Borough Planning Commission, and then the Borough Assembly, hold public hearings to consider comments on and any proposed changes to the draft program. The Planning Commission must recommend approval and the Assembly must approve the program "in concept." The conceptually approved program is then sent to the Alaska Coastal Policy Council for its review and approval and back again to the Borough Assembly for its final approval. Finally, the program is sent to the Alaska Legislature for its approval.

Because of the great length of its coastline and the complexity of coastal management, the North Slope Borough has chosen a "segmented" approach to coastal planning. Instead of planning for the entire coastal region at one time, the work will be done in phases.

The first part of the coastal region to be addressed is the mid-Beaufort region, which contains Prudhoe Bay and many of the sites of the proposed 1979 joint Federal-State oil and gas lease sale. Due, in part, to the intensity of oil- and gas-related activities in the area, more is known about this region than many other parts of the Borough's coast.

This Framework Plan describes the North Slope Borough's district coastal management program for the mid-Beaufort region. It is the Borough's intent that the Framework Plan serve as its formal submission to the Alaska Coastal Policy Council while being easily understandable by the public. The Framework Plan, however, is only an outline of the Borough's district program. The proposed zoning ordinance, contained herein, provides the details of the Borough's proposed management scheme.

To protect its interests, and to carry out the intent of the State and Federal coastal management Acts, the Borough has done everything possible to have an approved program prior to the proposed Beaufort Sea oil and gas lease sale. This has necessitated a narrowing of issues to be addressed, illustrated by the segmented nature of the program and the focus on subsistence and petroleum-related uses. The Borough intends to continue its work on coastal management following the proposed lease sale, both with respect to refinements to the mid-Beaufort program and the development of new programs for other segments of the Borough's coast.

PUBLIC PARTICIPATION

The Borough's coastal management program must meet the needs and desires of the people of the North Slope while accommodating important State and Federal interests; therefore, public awareness of the planning process and participation in program development are crucial.

The following lists the opportunities provided for public participation in the development of the district coastal management program for the mid-Beaufort region:

NOVEMBER 1978

Mail-out to State and Federal agencies, oil industry representatives (Industry) and public and private citizens by Alaska Dept. of Community and Regional Affairs (ADCRA) of joint Kimball/Hopson letter and "North Slope Borough Coastal Management Program: Prudhoe Bay Area" (Draft Report) requesting comments.

JANUARY 1979

NSB mail-out of Draft Report and letter to NSB village mayors, councilors and coordinators.

Distribution of draft Ordinance by ADCRA to State and Federal officials and Industry.

Meeting on draft Ordinance: Trustees for Alaska (TfA) and Industry.

Interviews of long-time residents of the Canning-Colville Rivers area by NSB Planning Office staff.

FEBRUARY 1979

NSB mail-out of Objectives & Policies section of Draft Report, together with NSB tentative schedules of meetings to NSB village mayors and councillors.

Informal distribution of draft Ordinance by TfA to State, Federal and Industry officials.

MARCH 1979

Interviews of long-time residents of the Canning-Colville Rivers area by Planning Office staff.

Regular announcements of all NSB coastal management program meetings and hearings over KBRW, and various written notices.

Distribution of joint Kimball/Hopson letter by ADCRA with public hearing notice, Objectives & Policies of Draft Report, and updated tentative schedule of meetings.

Distribution of joint Kimball/Hopson letter by NSB to NSB village mayors and councillors, together with additional copies of Objectives & Policies section, and copies of Ordinance outline.

NSB Planning Commission public workshop on Objectives & Policies, Barrow.

Public workshop on Objectives & Policies: Planning Office, Nuiqsut.

APRIL 1979

Planning Office interviews of long-time Canning-Colville Rivers residents.

Planning Commission public hearing on Objectives & Policies, Barrow.

Meeting on draft Ordinance: NSB and Outer Continental Shelf Environmental Assessment Program (OCSEAP), Fairbanks.

Regular announcements of all NSB Coastal Management Program meetings and hearings over KBRW, and various written notices.

Public meetings on Objectives and Policies: Kaktovik City Council/NSB, attended by Alaska Legal Services (ALS) and Bureau of Land Management (BLM) officials, Kaktovik.

Public meeting on Objectives and Policies: Nuiqsut residents/Planning Office, attended by ALS and BLM, Nuiqsut.

Planning Office public meeting on Resource Inventory map and draft Ordinance, Kaktovik.

Planning Office Objectives and Policies workshop with Kaktovik City Council, attended by ALS, US Fish & Wildlife Service, Rural Cap and Sohio-BP.

Planning Office meeting with Cooperative Park Studies Unit regarding data-gathering and areas needing attention in planning for activities.

Public meeting on Objectives and Policies: NSB/Barrow City Council.

NSB public meeting on native allotments in Barrow (8 people attended).

Informal distribution of revised draft Ordinance to State, Federal and Industry officials.

TV announcement of May 7 Planning Commission workshop on Ordinance, Barrow ASA Communications.

Meeting on draft Ordinance: TtA and Industry, Anchorage.

MAY 1979

Fairbanks Environmental Center (FEC) meeting regarding Beaufort Sea attended by Planning Office, scientists, and agency and conservation staff; NSB Coastal Management Program discussed.

Mail-out of memo dated April 27 from Planning Office to everyone on March 9, 1979, ADCRA mailing list with Objectives (revised March 29) and Policies (revised April 27), also to NSB village mayors and councillors.

Regular announcements of all NSB Coastal Management Program meetings and hearings over KBRW, and various written notices.

Planning Office meeting with Rural Cap on draft Ordinance, Anchorage.

Meeting draft Ordinance: Industry, Alaska Department of Natural Resources, BLM, ADCRA and TfA, Anchorage.

Various informal contacts between TfA, Industry and State agencies on draft Ordinance, Anchorage.

Meeting on draft Ordinance: TfA, FEC, Alaska Public Interest Research Group, Alaska Conservation Society, Fairbanks.

Planning Office staff meeting on draft Ordinance with Kaktovik City Council.

Planning Office meeting on Resource Inventory map with Kaktovik City Council.

Series of five-minute Inupiaq-spoken tapes played randomly four times a week over KBRW explaining coastal management.

Planning Commission public workshop on draft Ordinance, Barrow.

Two FEC meetings which included discussions on status of NSB Coastal Management Program, attended by Planning Office, Fairbanks.

JUNE 1979

Discussion: ALS and Planning Office on draft Ordinance, Anchorage.

Planning Office attended FEC meeting and discussed status of NSB Coastal Management Program, Fairbanks.

Continuation of series of five-minute Inupiaq-spoken tapes explaining coastal management, played over KBRW.

Planning Commission public hearing on draft Ordinance.

Planning Commission meeting to decide on recommended version of Objectives and Policies, Barrow.

NSB staff meeting with Industry on draft Ordinance.

Meeting on draft Ordinance: T1A, Division of Minerals & Energy Management and Coastal Management Coordinator for Department of Environmental Conservation, Anchorage.

Informal conversations: Planning Office/Kaktovik residents on various phases of NSB Coastal Management Program, Kaktovik.

Regular announcements of all NSB Coastal Management Program meetings and hearings over KBRW, and various written notices.

JULY 1979

Informal conversations in Kaktovik: NSB staff and Kaktovik residents on NSB Coastal Management Program.

Planning Commission public workshop Framework Plan, Barrow.

13½-minutes TV program aired in Barrow five times before July 10 public hearing explaining NSB Coastal Management Program, with particular emphasis on Objectives and Policies.

Soundtrack of TV program (mentioned above) aired three times a week over KBRW (to be played July 16 through September 7).

Meeting in Kaktovik on draft Ordinance, Objectives and Policies and Framework Plan. Tried airing TV program but local equipment broken down.

Regular announcements of all NSB Coastal Management Program meetings and hearings over KBRW, and various written notices.

Plan map posted in Kaktovik (Post Office) and Nuiqsut (Store).

Mailed updated tentative schedule of meetings to ADCRA, Office of Coastal Management—Juneau, and ADCRA mailing list.

FEC meeting: Planning Office gave updated information on NSB Coastal Management Program, Fairbanks.

Meeting with OCSEAP: NSB/T1A/Dobey, Fairbanks.

Assembly public hearing on Objectives & Policies, Barrow.

APRIL - JULY

Planning Office was informal liaison between NSB and Ecological Services personnel of US Fish & Wildlife Service who are involved in Beaufort Sea issues, to explain NSB Coastal Management Program.

AUGUST 1979

Meeting to describe NSB Coastal Management Program: Planning Office/John Dryzek from University of Maryland, Bureau of Governmental Research, who is studying natural resource economics and writing a thesis on offshore oil and natural resources management in Alaska.

Compilation of visuals to explain Plan Map.

Alaska Public Broadcasting Commission twice aired NSB TV program on Objectives and Policies via satellite over a wide area of Alaska.

Regular announcements of all NSB Coastal Management Program meetings and hearings over KBRW, and various written notices.

All NSB Coastal Management Program materials, including Objectives and Policies, Ordinance, Framework Plan, maps, correspondence, public comments and minutes of public hearings, available throughout development of NSB Coastal Management Program for public viewing at NSB Planning Office in Barrow during regular business hours.

NSB Planning Commission public hearing on Framework Plan, Barrow.

Planning Office meeting with Industry representatives to discuss the maps of the NSB Coastal Management Program, Anchorage.

SEPTEMBER 1979

Meeting between Planning Commission, Planning Office staff, Commissioner LeResche and other staff from Alaska Department of Natural Resources, Anchorage.

Planning Commission public meeting at which two resolutions on the NSB Coastal Management Program were adopted, Anchorage.

Assembly public hearing of NSB Coastal Management Program, Barrow.

Assembly special public meeting to hear additional testimony on the NSB Coastal Management Program, Barrow.

Planning Office meeting with Industry representatives, Anchorage.

OCTOBER 1979

Assembly public meeting, Barrow.

Assembly public workshops with representatives of Industry, environmental groups and State and Federal agencies, Anchorage.

Assembly public workshop with North Slope residents, Barrow.

Discussion of Ordinance between members of the Assembly, Meetings between Assemblymembers and attorneys for NSB, Industry, ALS and T&A on final mark-up of Ordinance, Barrow.

Assembly public meeting at which resolution giving concept approval of District Coastal Management Program was adopted.

BOUNDARIES

As the Plan Map indicates, the mid-Beaufort coastal region lies between the Colville River in the west and the Canning River in the east. It extends seaward of the barrier islands to the three-mile limit and inland to the 200-foot contour. The region thus corresponds to the region described in the Alaska Coastal Policy Council's regulations as the "Simpson Lagoon - Barrier Island System": *Biophysical Boundaries for Alaska's Coastal Zone* (Alaska Department of Fish and Game, 1978).

The seaward boundary of the mid-Beaufort region marks the State of Alaska's and the Borough's political boundary to sea. Areas beyond the three-mile limit are under exclusive Federal jurisdiction. Although some of the proposed oil and gas lease tracts lie beyond the three-mile limit, the Borough is legally prohibited from extending its coastal management boundary to include these tracts.

The inland boundary of the mid-Beaufort region extends up to 65 miles south from the coastline to the 200-foot contour and the foothills of the Brooks Range. Within this boundary lie the wet tundra ecosystem, the watersheds of the rivers flowing into the Beaufort Sea, and the inland extent of anadromous fish spawning. This proposed boundary was set beyond the interim boundary established by the State of Alaska, the "Zone of Direct Influence," so as to enable the Borough to manage uses and activities which might have a direct and significant impact on marine coastal water: because of the movement of water and water-borne substances from the tundra to the sea and the movement of people and wildlife in this area, any major use or activity conducted on the tundra may have a direct and significant impact on the Beaufort Sea.

USES AND RESOURCES

Government agencies and private interests have conducted many resource inventories and analyses in the mid-Beaufort region. One recent, albeit disputed, example of this work is the Environmental Impact Statement for the proposed joint Federal-State oil and gas lease sale. This Framework Plan contains an index and bibliography of key resource and use inventory and analysis information for the mid-Beaufort region and an Inventory Map shows its location of key resources and uses.

Comprehensive analysis of this information is beyond the scope of this Framework Plan; reference should be made to chapters VIII, IX and X of the *North Slope Borough Coastal Management Program, Prudhoe Bay Area* (Alaska Consultants, Inc., June, 1978). In the final analysis, the Borough's program focuses on two issues: subsistence and petroleum-related activities. Another important use, recreation, requires additional study before a management plan can be formulated.

OBJECTIVES AND POLICIES

Objectives are general statements of what the coastal management program is trying to accomplish. Policies are general statements of what courses of action should be taken to achieve objectives. Together, they form the basis for the Borough's management decisions.

The Borough's Objectives and Policies for the mid-Beaufort region are as follows:

OBJECTIVES

- (1) To preserve the traditional Inupiat lifestyle and culture.
- (2) To give priority and protection to subsistence activities and areas.
- (3) To allow competing uses only where they do not threaten subsistence resources and their habitat.
- (4) To protect all fish and wildlife resources and habitat on the basis of total ecosystems and consistent with subsistence use.
- (5) To require the protection of endangered and threatened species and their habitat.
- (6) To protect and preserve natural and ecological values.
- (7) To ensure maximum control by Inupiat over their own destiny while recognizing State and national interests including, but not limited to, the State and national interest in petroleum exploration and development.

POLICIES

- (1) **SIGNIFICANT SITES PRESERVED.** Sites of historic, archaeological and cultural significance must be preserved.
- (2) **CONSERVATION AREAS.** Areas which are critical to the maintenance of significant fish and wildlife populations must be exempted from incompatible surface use. A buffer area must be maintained to protect these areas from disturbance.
- (3) **LAND CONVEYANCES.** The sale or conveyance of public lands into private ownership should be discouraged, except for Native Allotments or where provided for under the terms of the Alaska Native Claims Settlement Act.
- (4) **HABITAT PROTECTION.** Fish, wildlife and habitat protection programs, including enforcement, must be particularly intensive during any intensive industrial development including, but not limited to, petroleum development.
- (5) **REHABILITATION.** Upon termination of petroleum exploration or production, or other industrial activity, all land must be restored to its previous state as closely as possible, except where this would cause greater environmental damage.
- (6) **SCALE OF DEVELOPMENT.** Areas should be opened to petroleum exploration and development only in a sequence and on a scale which allows effective management and enforcement of lease stipulations and local, State and Federal regulations.

- (7) **AREAS BEYOND THE BARRIER ISLANDS.** Areas beyond the barrier islands should not be leased at this time, except for areas that will be reached through directional drilling from a barrier island.
- (8) **DRILLING SITES.** Exploration, development and production drilling must be located on a site specific basis only, where escape of oil can be prevented, the first priority being onshore.
- (9) **PLANS OF OPERATIONS.** The Borough must be informed in advance of Industry exploration, development and production plans. Separate plans of operations should be submitted for the exploration phase and for the development and production phase.
- (10) **PETROLEUM PRODUCTION AND TRANSPORTATION.** Areas should not be opened for exploration until adequate methods for producing and transporting the petroleum in an environmentally safe way have been demonstrated.
- (11) **CLEAN-UP COSTS.** Those persons engaged in petroleum-related activities shall bear all clean-up costs incurred as a result of those activities.
- (12) **RESOURCE COMPENSATION.** Damage to fish and wildlife resources by petroleum-related activities must be compensated for by payment directly to the subsistence users and by replacement/restoration of the damaged resource.
- (13) **REGULATION COSTS.** Persons conducting petroleum-related activities must bear the cost of Borough regulatory programs necessitated by such activities.
- (14) **LEASE STIPULATIONS.** Oil and gas leases must contain adequate stipulations to control water and noise pollution, erosion, silting, gravel extraction, water usage, waste disposal, aircraft, maritime and other transportation-related disturbance, and other environmental impacts.
- (15) **STATE STUDY REQUIREMENTS.** The State of Alaska must conduct adequate studies of the social, economic and environmental effects of oil and gas leasing before offering tracts for sale.
- (16) **INDUSTRY EMPLOYEES' TRAINING PROGRAM.** A broad training program for Industry employees is required in order to teach the historic, social, cultural and environmental values of the North Slope and its residents.
- (17) **OIL DEPLETION.** Oil fields should not be depleted at a rate which would threaten the long-term economic interests of the Borough.
- (18) **FACILITIES CONFINED.** All major long-term private and public facilities must be confined to the Prudhoe Bay/Deadhorse area, except for those absolutely necessary to the operation of petroleum fields. No permanent residential settlement will be permitted.
- (19) **FACILITIES CONCENTRATED.** Facilities in the Prudhoe Bay/Deadhorse area must be concentrated so as to take advantage of the economics of utilities and infrastructure.

- (20) **GRAVEL MINING.** Gravel mining must be limited to sites, methods and times of the year which will minimize environmental damage.
- (21) **TRANSPORTATION CORRIDORS.** Where appropriate, vehicles, vessels, aircraft and pipelines must be confined to designated corridors.
- (22) **TOURIST FACILITIES.** Establishment of tourist facilities outside already developed areas is discouraged.
- (23) **TRAFFIC.** All traffic must pass through the Borough with a minimum number of stops and only in designated areas and so as to reduce the impact on adjacent lands and resources.
- (24) **SOLID WASTE DISPOSAL.** Solid waste disposal must be conducted in accordance with local, State and Federal laws, regulations and ordinances.
- (25) **FLARING.** The burning or flaring of hydrocarbons must not be done so as to disturb wildlife or cause air pollution which exceeds applicable local, State or Federal air quality standards.
- (26) **GEOPHYSICAL HAZARDS.** Facilities must be sited and designed so as to be protected against all potential geophysical hazards.
- (27) **EMPLOYMENT.** Subject to the restrictions or limitations of State or Federal law, opportunities for employment, with on-the-job training, must be made available to permanent residents, with those of the immediate area being given priority. To allow participation in seasonal subsistence activities, a staggered work schedule is preferred.
- (28) **ENERGY CONSERVATION.** In recognition of the national need for energy conservation and high cost of fuel in the North Slope Borough, it is the policy of the Borough to conserve energy to the maximum extent possible.
- (29) **LOCAL ENERGY NEEDS.** While developing alternate energy sources, the Borough will continue its efforts to provide low-priced fuel to Borough residents through negotiations with Industry.
- (30) **INTERNATIONAL ARCTIC COASTAL MANAGEMENT PROGRAM.** The Borough will continue to work towards the development of an international Arctic coastal management program.
- (31) **VILLAGE PARTICIPATION.** The villages located along the Beaufort Sea coast must be kept informed of petroleum-related and industrial activities so as to allow their full participation in the planning for and regulation of these activities through local, State and Federal regulatory procedures.
- (32) **IMPLEMENTATION.** The Borough will adopt ordinances or other legal authority necessary to implement these Objectives and Policies. These ordinances or authorities will establish standards for where, when and how petroleum-related and other industrial activities will be permitted. These standards should address, but not be limited to, the following: siting criteria, habitat protection, geophysical hazards, water, noise and air pollution, barrier islands, seasonal restrictions, drilling safeguards and enforcement.

The preparation of this report was financed in part by funds from the Alaska Coastal Management Program and the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, administered by the Division of Community Planning, Department of Community and Regional Affairs.

NORTH SLOPE BOROUGH

RESOLUTION SERIAL NO. 33-79

A RESOLUTION GIVING CONCEPT APPROVAL
OF THE NORTH SLOPE BOROUGH DISTRICT
COASTAL MANAGEMENT PROGRAM.

WHEREAS, the North Slope Borough is, under the provisions of the Alaska Coastal Management Act of 1977, a coastal resource district required to develop and adopt a District Coastal Management Program; and

WHEREAS, Assembly resolution serial no. 18-79, "A Resolution Adopting the Objectives and Policies for the Mid-Beaufort Coastal Area, North Slope Borough Coastal Management Program," was adopted on August 7, 1979; and

WHEREAS, in accordance with the State's Guidelines & Standards, significant opportunities for public participation in the development of the District program have been provided through staff meetings held in the villages and Planning Commission public meetings and hearings held on March 6, April 2, June 4, July 2, and August 2, 3, 6 and 28, and Assembly public hearings held on July 10, September 11 and September 25, and subsequent public workshops in Anchorage with oil industry representatives, environmentalists and officials from State and Federal agencies, all of which public meetings, hearings and workshops have been held with prior announcements. All the meetings held on the North Slope were attended by Inupiaq translators and a film in Inupiaq, describing the District's coastal management program and the requirements of public participation in program development, was produced by the Borough and aired numerous times in Barrow and twice over satellite television throughout Alaska, and an outline of the proposed coastal management

Ordinance was prepared containing translations in Inupiaq; and

WHEREAS, the public records from all the above hearings were reviewed by Borough staff and continuing opportunities were provided for coordination and review by Federal and State agencies and other persons with a significant interest in the District's coastal area; and

WHEREAS, at least 60 days before giving conceptual approval to the District program, the District gave written notice to the Alaska Coastal Policy Council and persons who requested notice in writing, and so informed the public through required public media within the District, which meant that the Assembly could have given conceptual approval to the District program on September 18, 1979 but delayed doing so in order to hold further workshops; and

WHEREAS, the North Slope Borough Assembly finds as follows:

1. To ensure maximum accessibility to the study materials while the District program was being formulated, materials were made available before being given staff review. Four separate drafts of the District Ordinance were printed for a total number of 1,000 copies printed by contract and given wide distribution, not including day-to-day xeroxing. The preparation of the District program was not done in a piecemeal fashion; it consisted of a series of updated drafts, all of which were discussed at meetings held continuously with interested parties consisting mostly of representatives of State and Federal agencies and the oil and gas industry;
2. The District program is not duplication of existing State and Federal studies and regulations. Locally funded baseline studies, not undertaken by responsible State or Federal agencies, have been conducted on oil and gas exploration and development opportunities

within the Borough, and land and water uses, including subsistence activities and the preservation of cultural values and historic sites. At the public hearings and workshops held in Barrow and Anchorage during the formulation of the District program, State and Federal agency representatives emphasized that the enforcement of State and Federal laws relating to oil exploration and production activities on public lands is deficient and encouraged the District, through its coastal management program, to establish a surveillance program to correct this. The implementation of the District program could be tied in with the implementation of other State and Federal programs; the Borough would be pleased to participate in the development of such joint efforts. Joint local, State and Federal implementation should, therefore, be fully analyzed to determine its advantages and disadvantages. In the meantime, however, the District must work closely with State and Federal agency representatives to ensure a smooth and thorough monitoring of the District program. The Beaufort lease sale area is far removed from major State and Federal agencies. It is not realistic to expect that government centers in other parts of Alaska and in Washington, D.C. can, on a day-to-day basis, protect resource values on lands where development is occurring without adequate surveillance. If the Borough does not reinforce its presence in oil and gas leasing activities through its coastal management program, it will abdicate its power to the State and Federal governments. This is not acceptable because powers have been specifically delegated to the Borough for planning and zoning under State law, and lawsuits could be brought against the Borough for not having exercised its powers and implemented adequate regulations;

3. The District program has set March 31 as the cut-off date for down-hole drilling in offshore areas. It is the Borough's understanding that the State and Federal governments have proposed that date restriction only for the area beyond the barrier islands, and only for a period of two years. This State and Federal restriction does not substitute for the protection the District program is proposing through requirements for directional drilling, testing of structures and the completion of scientific studies before it is impossible to gather baseline data, and tract deletions. Further discussions between the Borough Assembly and State and Federal officials should take place on down-hole drilling cut-off restrictions;
4. There is considerable industry opposition to using the Corps of Engineers' definition of the flood-plain being the area subject to one percent or greater chance of river flooding in any given year. We would propose interim studies for the identification and development of Arctic land use standards for flood-plains, with participation by appropriate interests. The costs for interim flood-plain identification and land use standards should be considered as part of the implementation effort funded by the Alaska coastal management program;
5. The Borough has, under its land entitlements, selected Cross Island, portions of Prudhoe Bay, and the Haul Road corridor. The District program constitutes the Borough Land and Water Use Plan on how the activities on these Borough selected lands should be regulated;
6. The District program is consistent with Assembly Resolution 30-79, "A Resolution Relating to the Deletion of Certain Portions of the

Proposed Beaufort Sea Lease Sale and Imposition of Surface Restrictions on Other Areas of the Proposed Sale", adopted on October 9, 1979. This resolution addresses restricting surface entry and deleting tracts beyond the barrier islands in the lease sale scheduled to be held in December 1979, while permitting the testing of structures and facilities for scientific research. The preservation of the cultural values of the Inupiat living in the vicinity of the Beaufort Sea will not be possible without Inupiat participation and incorporation into the preparation and implementation of the coastal management program. The District program is necessary for the Borough to efficiently achieve goals not now being met by State and Federal agencies;

7. Preparation of the District program represents a continuous process which, in later updates, should address, among other issues, long-term access for non-leaseholder land interests; recreation; noise pollution; studies of fish, seal, polar bear, beluga and bowhead; the investigation of specific sites for their suitability as energy facilities, and historic and cultural resources;
8. The Borough intends to proceed with the development of District programs for those portions of the coast not addressed in the mid-Beaufort segment.

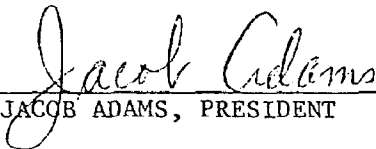
NOW, THEREFORE, BE IT RESOLVED that, prior to submission to the Alaska Coastal Policy Council, the Borough Assembly give conceptual approval to the District program, pursuant to 6 AAC 80.120(d), which consists of the following segments: Objectives & Policies, Resource Inventory and Analysis, Land/Water Use Plan (text and map), Ordinance

and Ordinance Maps entitled, "Coastal Zone Districts (and Sub-Districts)".

BE IT FURTHER RESOLVED that the Borough Assembly reserves the right to make changes in its conceptually approved program prior to its adoption by Borough ordinance.

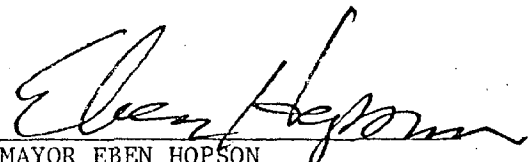
INTRODUCED: October 30, 1979

ADOPTED: October 30, 1979


JACOB ADAMS, PRESIDENT

ATTEST:


BOROUGH CLERK


MAYOR EBEN HOPSON

RECEIVED
JAN 22 1980

O.C.M.

NORTH SLOPE BOROUGH
RESOLUTION SERIAL NO. 4-80

The undersigned does hereby certify that the
NSB Resolution # 4-80
is a true and correct copy of the official record
of the North Slope Borough as the in the office
of the Borough Clerk.

Barrow, Alaska, this 15 day of JAN, 1980

Maya Chukina
BOROUGH CLERK

A RESOLUTION WITHDRAWING CONCEPT APPROVAL
OF THE NORTH SLOPE BOROUGH'S DISTRICT
COASTAL MANAGEMENT PROGRAM

WHEREAS the Borough conceptually approved its Coastal Management Program by Resolution 33-79 on October 30, 1979 and forwarded the program to the Coastal Policy Council for further approval and forwarding to the Legislature.

WHEREAS numerous meetings and hearings have been held with the Council and its staff, Office of Coastal Management, to review the Borough's program;

WHEREAS questions have arisen as to the Program's consistency with the guidelines and standards of the State's Coastal Management Act that may lead the Council to disapprove the Program as submitted;

WHEREAS the Borough does not desire to see the Program disapproved at this time in a manner that may jeopardize the work that has been completed to date.

NOW THEREFORE BE IT RESOLVED:

1. The North Slope Borough hereby withdraws its Coastal Management Program from further consideration by the Alaska Coastal Policy Council at this time and rescinds its conceptual approval of the Coastal Program as contained in Resolution 33-79.
2. The Borough requests the Alaska Coastal Policy Council to withhold formal action on the Borough's Coastal Program and to work closely with the Borough to develop an approvable Coastal Program.
3. The Borough further requests the State of Alaska to provide adequate financial and resource support to the Borough, and all local coastal management districts, to carry out further work on the Coastal Program for all of its coastline.

INTRODUCED: January 18, 1980

ADOPTED: January 18, 1980

David C. Brown
PRESIDENT OF ASSEMBLY

Eben Hopson
EBEN HOPSON, MAYOR

ATTEST:

Maya Chukina
BOROUGH CLERK

The white man have to learn how Inupiaq live. The Inupiaq never live in only one place. They always move to wherever theres animals whether it's summer or winter. He might spend a winter here or there and he would learn what animals are usually where, like fish or ducks, so he would go there to hunt them.

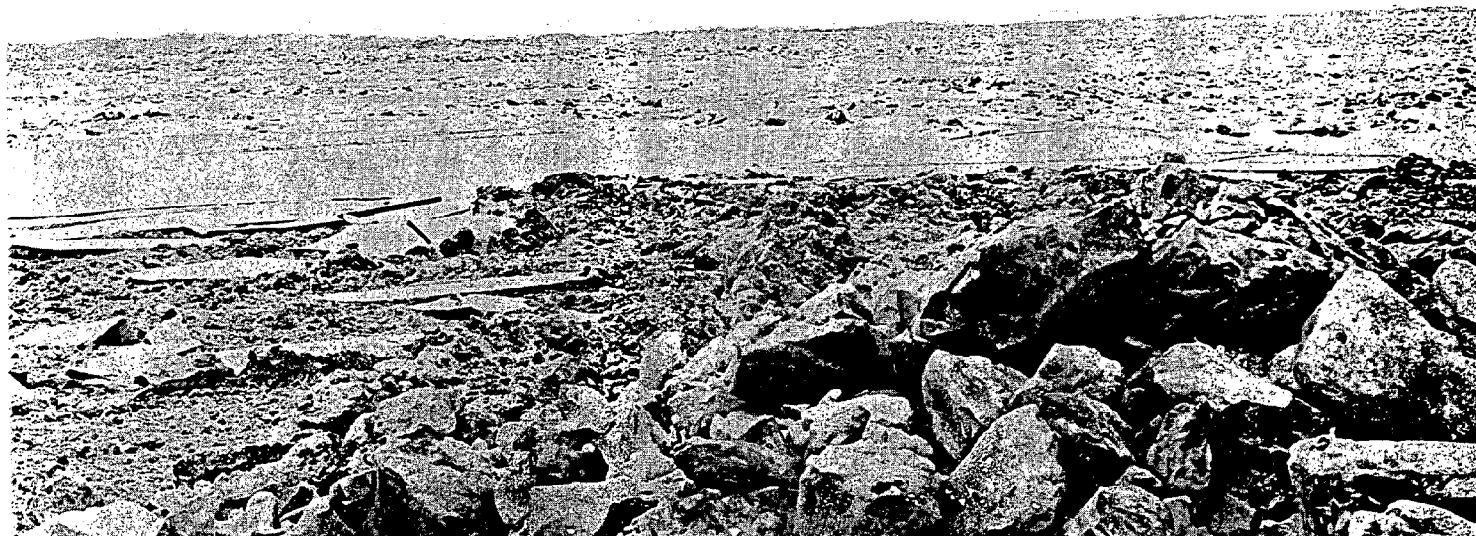
They don't spend one whole year in one place or spot. He doesn't spend the whole winter in his house. That's how the Inupiaq live, because they have no money. They live on only animals.

This is what the white man must understand. They don't live in just one place. They go where theres good hunting wherever that might be, and it wasn't just us. It was whoever lives around the area.

Theres many places where many people lived around there in those days.

Walter Akpik Sr.
Atkasook Resident

COASTAL ZONE
INFORMATION CENTER



ORDINANCE

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**COASTAL
MANAGEMENT
PROGRAM**

NORTH SLOPE BOROUGH

**North Slope Borough Assembly Concept Approval
Resolution No. 33-79**

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I. Section 19.16.010 of the North Slope Borough Code is amended to add new districts.

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COASTAL MANAGEMENT DISTRICTS ESTABLISHED

Section 19.16.010 of the North Slope Borough code is amended to add paragraphs D, E, F, G, and H, as follows:

- D. CZ, coastal zone district;
- E. PSB , petroleum service base and production district;
- F. C, conservation district;
- G. GH, geophysical hazard district;
- H. DD, deferred development district.

COASTAL MANAGEMENT REGULATIONS

There are added to the North Slope Borough code chapters 19.17, 19.18, 19.19, 19.21, and 19.22, which are to read as follows:

Chapter 19.17

CZ COASTAL ZONE DISTRICT

19.17.010 Regulations Generally. The regulations in this chapter shall apply to the CZ, including other districts located within the CZ, unless otherwise specified. Regulations elsewhere established for RD, RI, or HRD districts are superseded, where such districts or portions thereof are located within the CZ, to the extent they are inconsistent with regulations established in this chapter.

19.17.020 Purpose. The purpose of the CZ is to enable effective management of the Borough's coastal area in accordance with the Alaska Coastal Management Program and applicable objectives and policies adopted by the Borough.

19.17.030 Definitions. As used in this chapter and in chapters 19.18, 19.19, 19.21, and 19.22:

A. "Active river channel" means a portion of a river where there is water flowing during mid-July.

B. "Administrator" means the Borough Coastal Management Administrator appointed pursuant to section 19.17.050.

C. "Barrier island" is any natural offshore island in the CZ.

D. "Best available technology" is the most effective technology currently feasible to use in the industry.

E. "City" means any city incorporated under the laws of the state of Alaska or any village recognized under the Alaska Native Claims Settlement Act.

F. "Coastal wetlands" means aquatic habitats that occupy low areas bordering the sea, within a zone directly influenced by salt water, and supporting characteristic salt-tolerant vegetation.

G. "Commission" means the Planning Commission of the North Slope Borough.

H. "Feasible" means possible to achieve without causing extraordinary problems of extreme magnitude.

I. "Floodplain" means the low land bordering a river which is subject to a one percent or greater chance of river flooding in any given year; or when sufficient data to identify this area cannot feasibly be obtained, the floodplain will be recognized as the area bordering a river where the effects of periodic flooding are evident in scouring of vegetation or deposition of river-borne material.

J. "Geophysical hazards" include flooding, storm surges, earthquakes, geological hazards, unstable ground conditions, landslides, erosion, and ice hazards.

K. "Geophysical petroleum exploration" means seismic, magnetic, gravimetric, and other such surveys used to detect or imply the presence of oil or natural gas preliminary to and not including drilling.

L. "Gravel" includes silt, sand, gravel, and rock.

M. "Historic or cultural" includes pertaining to past or present human subsistence uses, activities, and needs; a "cultural site" includes a site used for carrying out subsistence activities such as subsistence hunting, fishing, and trapping.

N. "Including" means including but not limited to.

O. "Industrial activity" includes any activity conducted as part of or in support of any petroleum exploration, development, production, or transportation.

P. "Industrial facility" includes any facility used in or in support of any industrial activity.

Q. "Offshore" means seaward of the mean high tide line on the seacoast and includes all land on barrier islands.

R. "Person" includes a natural person, association, firm, corporation, and government or government agency.

S. "Petroleum" includes both oil and natural gas.

T. "Petroleum development" means those activities which occur following discovery of petroleum in paying quantities, including drilling, construction of platforms, and operation of support facilities, and which are for the purpose of ultimately producing the petroleum discovered.

U. "Petroleum exploration" includes geophysical exploration and any drilling, whether on or off known geological structures, for the purpose of searching for or detecting petroleum, including the drilling of a well in which a discovery of petroleum in paying quantities is made and the drilling after such discovery of any additional delineation well which is needed to delineate any reservoir and to enable a determination whether to proceed with development and production.

V. "Petroleum production" includes removal of petroleum from the reservoirs where it has been discovered, field operations, gathering petroleum from wells to treatment and separation facilities, operation monitoring, maintenance, and workover drilling.

W. "Petroleum-related activity" includes any activity conducted in connection with petroleum exploration, development, production, or transportation, including logistic support, associated transportation of persons, equipment, or material, power generation or transmission, extraction of water or gravel, discharge or disposal of waste, housing of employees, supply storage, operation of airstrips or docking facilities, and construction of facilities used in connection with petroleum exploration, development, production, or transportation.

X. "Petroleum-related facility" includes any facility used in connection with petroleum exploration, development, production, or transportation, including roads, storage areas, drilling structures, employee housing, offices, airstrips, pipelines or gathering lines, power generation or transmission facilities, and gravel mining facilities.

Y. "Petroleum transportation" means the movement of petroleum from a production facility to another location, using pipelines or other means.

Z. "Thaw lake" is a lake basin which has been

formed through subsidence of the ground due to repeated thawing and freezing of permafrost.

AA. "Use of state concern" has the same meaning as in AS 46.40.210(6) (Section 4, Ch. 84 SLA 1977).

BB. "Water-dependent use" has the same meaning as in 6 AAC 80.900(17).

CC. "Wetlands" means areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction; "wetlands" shall include those areas which are recognized to be wetlands by the U.S. Army Corps of Engineers.

DD. "Wildlife" includes terrestrial mammals, marine mammals, birds, and fish.

19.17.040 Subsistence Designation.

The CZ, except for the PSB, is designated as a subsistence zone for purposes of 6 AAC 80.120(c) and (d).

19.17.050 Coastal Management Administrator: General.

A. The Borough Mayor shall appoint and the Borough Assembly must confirm a Coastal Management Administrator, who shall exercise such functions as are prescribed in this chapter. The Administrator may have such staff and assistants as may be necessary.

B. The Administrator may from time to time recommend to the Commission and the Borough Assembly such additional standards and restrictions as he determines are appropriate to effectuate the purposes of this chapter.

C. The Administrator may develop and make available to the public interpretive guidelines to assist in the administration of his duties and responsibilities.

19.17.060 Permitted Uses.

A. The following uses are permitted in the CZ without the need for any permit otherwise required in title 19:

1. All hunting, trapping, fishing, camping, food gathering, and other such traditional subsistence uses ;

2. Temporary recreational and nonpetroleum-related scientific activities which do not damage wildlife habitat or interfere with traditional subsistence activities.

B. This section is not intended to diminish any rights which property owners may have to restrict the activities of others, including the use of firearms, in the vicinity of petroleum production facilities in order to prevent hazards to life and property.

19.17.070 Special and Conditional Uses. The following uses in the CZ may be permitted only by permit as provided in this section, except where such uses are otherwise prohibited within conservation districts, geophysical hazards districts, or deferred development districts:

A. By special use permit issued by the Administrator as provided in this chapter:

1. Petroleum-related facilities and activities which are located outside a PSB.

2. Construction and operation of experimental structures not used in or in connection with petroleum exploration, development, production, or transportation, the purpose of which is to gain knowledge relevant to the design, siting, construction, and/or operation of facilities to be

used in future petroleum exploration, development, production, or transportation.

B. By conditional use permit issued by the commission as provided in section 19.48.015:

1. Industrial facilities and activities, other than those described in subsection A of this section.

19.17.080 Conditional Use Criteria. A conditional use permit for a use described in section 19.17.070(B) may be issued by the planning commission only if the commission finds that:

A. The proposed use will meet all applicable criteria established in 6 AAC Chapter 80; and,

B. The proposed use will not significantly damage subsistence resources or activities.

19.17.090 Prohibited uses. The following uses are prohibited in the CZ:

A. Housing or other residential facilities, except for short-term accommodations for employees during their workshifts and for business visitors.

19.17.100 Exploration Plans. A. 1. Not later than one year following acquisition of a lease or other right to conduct petroleum exploration in or seaward of the CZ, the holder of such lease or right shall submit to the Administrator a petroleum Exploration Plan under this section. In the case of a lease or right held prior to the date this chapter is enacted, an Exploration Plan shall be submitted not later than twelve months following enactment.

2. The Administrator may extend the deadline for submission of an Exploration Plan where the holder of the lease or right in question certifies in writing that he does not intend to commence operations, other than geophysical exploration, for at least one year following the submission of the Exploration Plan.

B. No person may apply for a special use permit in connection with petroleum exploration other than geophysical exploration unless an Exploration Plan has been submitted to the Administrator under this section.

C. An Exploration Plan shall be designed:

1. To apprise the Borough at the earliest practicable time of planned exploration activities and facilities in order to enable the most effective planning.

2. To maximize the opportunity for consistent planning by various parties intending to conduct petroleum exploration so as to permit efficient consolidation of facilities; avoid needless duplication, and minimize adverse impacts on the coastal environment.

3. To provide for early identification and avoidance of potential problems and resource conflicts, and for early consultation among the Borough, the industry, and other interested parties for the purpose of ensuring that the requirements of this chapter will be met in an efficient manner.

D. Each Exploration Plan shall include:

1. The proposed type and sequence of major activities expected to be undertaken together with a tentative timetable for their performance from commencement to completion.

2. A description of the drilling structures expected to be used, with special attention to safety features and pollution-prevention and control features.

3. Approximate number and probable surface location of wells to be drilled.

4. Anticipated location, size, type, and number of other facilities, including roads and facilities located in the PSB.

5. Anticipated number of persons to be employed in both drilling and service or support operations.

6. Anticipated transportation routes, including air, water, and surface, and frequency such routes will be traveled.

7. Approximate requirements for gravel, water, fuel, and other major resources and supplies, and anticipated methods for meeting such requirements.

8. An explanation of the steps to be taken to plan cooperatively with other persons conducting petroleum-related activities so as to minimize duplication of facilities and to site facilities and activities in a manner which takes into account cumulative requirements for gravel, water, waste disposal, and support activities to the extent not inconsistent with anti-trust laws.

9. The location of all Native allotments for which application is pending or for which title has been granted under applicable provisions of federal law and which are located within the area covered by the Exploration Plan, based on a search of relevant federal and local records.

E. 1. A single Exploration Plan may be submitted covering one or more lease tracts or other geographical units.

2. A single Exploration Plan may be submitted by one or more persons proposing to conduct joint or cooperative exploratory activities.

F. The person submitting the Exploration Plan shall also submit at the same time a list of every exploration plan or similar document relating to the subject of the Exploration Plan which has been submitted to any state or federal agency. A copy of each such document shall be made available to the Administrator promptly upon request.

G. To the extent that a document submitted to a state or federal agency contains information required to be submitted under this section, a person submitting a Plan under this section may comply with the information requirements herein by submitting a copy of such document.

H. 1. The submission of an Exploration Plan does not obligate the Administrator to issue any special use permit for activities or facilities referred to therein.

2. Submission of an Exploration Plan does not obligate the person submitting it to conduct any exploration activity covered thereby. However, pursuant to section 19.17.130(B)(3), an applicant for a special use permit will be required to demonstrate consistency with or explain the reasons for any significant deviation from the contents of the Plan.

3. The person submitting an Exploration Plan to the Administrator shall inform the Administrator in writing at least annually of significant changes in the Plan.

4. The Administrator may require amendment of an Exploration Plan to include or address significant changes in available information relating to petroleum exploration in the CZ and its environmental effects, or significant changes in other conditions affecting or impacted by exploration pursuant to such Exploration Plan.

5. Submission of any amendment or annual report pursuant to this subsection shall be governed by the same provisions of this section which govern the Exploration Plan itself.

6. The Administrator shall promptly provide copies of all Plans, reports of significant changes, and amendments received under this section to the Planning Commission.

19.17.105 Rehabilitation Required.

A. Any person who constructs or operates an

industrial facility or who conducts an industrial activity in the CZ must, when use of the facility or the activity is completed, carry out habitat rehabilitation to restore all affected areas as nearly as feasible to their natural state as wildlife habitat.

B. A rehabilitation program under this section shall be designed to achieve the following objectives:

1. Prevention of water pollution, erosion, and sedimentation, including removal of oil-contaminated or chemical-contaminated materials.
2. Restoration of natural surface water flow and drainage patterns.
3. Restoration of vegetation, including replacement where necessary.
4. Restoration of surface alterations, including regrading the surface to natural contours where necessary.
5. Assurance of unimpaired wildlife access and use.
6. Prevention of permafrost thawing.
7. Restoration of scenic and aesthetic values.
8. Removal of man-made facilities and restoration of other surface alterations, except where a facility will be used for another bona fide purpose or where the environmental effects of removal are likely to be more deleterious than those of leaving it in place; and
9. Consultation with surface land owners, including allotment owners.

C. Each person subject to this section shall consult with the Administrator on the rehabilitation program prior to completing use of the facility or activity in question, and where possible at least eighteen months prior to such completion.

19.17.110 Special Use Permit: Coverage: Term: Amendment and Renewal.

A. Permit Coverage.

1. Except as otherwise provided herein, a separate special use permit must be obtained from the Administrator for petroleum-related facilities and activities in the CZ in each of the following categories:

- a. Geophysical petroleum exploration;
- b. Petroleum exploration other than geophysical exploration;
- c. Petroleum development;
- d. Petroleum production;
- e. Pipelines, other than gathering lines within a single oil or gas field which are covered by a permit under category (c) or (d);
- f. Roads, including causeways, other than temporary ice roads which are covered by a permit under another category;
- g. Mining or extraction of gravel or other minerals.

2. Within category (a) of paragraph (1), a single permit may be issued covering all related facilities and activities proposed in connection with an exploration program for a single season.

3. Within category (b) of paragraph (1), a single permit may be issued covering all related facilities and activities proposed in connection with a single drilling operation.

4. Within categories (c) and (d) of

paragraph (1), a single permit may be issued covering all related facilities and activities proposed in connection with a development program for a single oil or gas field.

B. Permit Term.

A special use permit shall be valid for the duration of the covered activities.

C. Amendment. 1. Whenever the holder of a special use permit proposes to modify the activities or facilities covered by the permit in a manner not contemplated in the permit, the holder shall submit an application to amend the permit. An application to amend a special use permit shall be governed by the same provisions applicable to the permit itself, except that:

a. The application need contain only that information relevant to the proposed change; and

b. If the Administrator finds that the proposed change would not significantly affect the nature of the operations covered by the permit or negatively alter the operations' impact on environmental or subsistence values, he may decline to hold a public hearing on the application. However, a public meeting shall be held on the amendment if specifically requested by a city council of a city within 150 miles of the proposed activity or by five or more interested persons within the North Slope Borough.

2. An amendment to a special use permit may not substantially enlarge the scope of the activities or facilities authorized thereby.

19.17.120 Special Use Permits: Standards. Special use permits may be issued only in accordance with the applicable standards and restrictions established in this section.

A. General. The following standards and restrictions apply to all facilities and activities, of whatever nature, requiring a special use permit.

1. All applicable Federal, State, and local laws, ordinances, regulations, permit terms and conditions, and lease terms and stipulations must be complied with.

2. Employee training.

a. The permittee must ensure that all employees who work primarily in the CZ, including those of contractors and subcontractors, are adequately trained to:

(i) operate and maintain equipment, and to implement emergency procedures, so as to prevent pollution; and

(ii) understand the potential adverse environmental, social, and cultural effects of their activities; have knowledge of the ways of avoiding or minimizing them; and understand the importance of doing so.

b. The permittee shall conduct an employee training program which meets the following requirements:

(i) The program shall be designed to inform each employee of specific types of environmental, social, and cultural concerns which relate to the employee's job. The program shall also be designed to increase the employees' sensitivity to and understanding of community values, customs and modes of living in or near the CZ, and shall include consideration of the relationship between Native residents of the region and local land and offshore habitats and wildlife, including information about current and traditional land use and subsistence patterns.

(ii) The program shall be formulated and implemented by qualified instructors experienced in each pertinent field of study and shall employ effective methods to ensure that employees understand and use techniques necessary to preserve archaeological, geological, cultural, and biological resources.

3. Siting.

a. Facilities and activities must be located or routed to avoid, to the extent feasible, areas where sensitive wildlife activities are concentrated, including breeding, denning, pupping, calving, staging, rearing, spawning, nesting, molting, and overwintering areas. To the extent not precluded by federal or state law, the Administrator may specify transportation routes or corridors necessary to achieve this objective.

b. Facilities and activities must be located and undertaken to avoid significant damage to historic, cultural, or archaeological sites and significant interference with subsistence use.

c. Where feasible, onshore facilities and activities must be located at least three miles inland from the CZ shoreline. Where feasible, offshore facilities not on a barrier island must be located seaward of the two meter isobath.

d. Facilities and activities which are not water-dependent must be located or undertaken at least 500 feet from any river.

e. No facilities may be located in rivers, except for road crossings, pipeline or gathering line crossings, and water extraction as those activities are permitted under this chapter.

f. Except for facilities which must be situated at an offshore operation permitted under this chapter, oil or fuel storage facilities may not be located closer than 1500 feet from a river, stream, or other body of flowing water; the CZ shoreline; or a lake or pond which supports a fish population other than stickleback. This prohibition does not apply to short-term fuel supplies located at and used in petroleum drilling operations.

g. Where feasible, activities and facilities must be located outside floodplains and the following types of wetlands: coastal wetlands; vegetated shorelines of deep ponds or lakes; and large partially drained basin complexes.

h. Facilities and activities must be located and undertaken to minimize property damage and protect against loss of life which may result from geophysical hazards.

i. Facilities and activities must be located outside the boundaries of Native allotments for which application is pending or for which title has been granted under applicable provisions of federal law, unless the permission of the applicant or grantee and any other permission required by law has been obtained.

4. Scheduling of Activities.

Activities must be scheduled so as to minimize, to the extent feasible, conflicts with sensitive wildlife functions. The Administrator may specify seasonal restrictions necessary to achieve this objective.

B. Geophysical exploration. In addition to the standards and restrictions in subsection (A), the following special standards and restrictions apply to all facilities used and activities conducted in connection with geophysical exploration.

1. Seismic exploration is not permitted in areas and at times when it may disturb bowhead whales or other species designated under the Endangered Species Act as endangered or threatened.

2. Seismic exploration is not permitted offshore in areas where water depth exceeds eighteen feet, between March 20 and the break-up of sea ice.

3. Activities must be conducted so as to avoid significant surface damage and to prevent significant disturbance or displacement of wildlife.

4. The use of high explosives for seismic exploration is not permitted.

C. Petroleum exploration other than geophysical. In addition to the standards and

restrictions in subsection (A) of this section, the following special standards and restrictions apply to all facilities used and activities conducted in connection with petroleum exploration other than geophysical exploration.

1. Except for the construction of artificial islands when permitted under this section, only temporary structures, facilities, or surface alterations are permitted. For the purposes of this paragraph, temporary structures include gravel drill pads but do not include gravel roads.

2. Except for temporary ice roads, waste disposal, and gravel or water extraction, or as provided in (a) below, the only facilities permitted are essential drilling site facilities; support or service facilities other than those included in essential drilling site facilities shall be confined to the PSB.

a. Notwithstanding this restriction, temporary storage facilities for equipment and supplies used at nearby drilling operations may be permitted, where the reduction in transportation requirements will offset the environmental disturbance attributable to such facilities.

b. For purposes of this paragraph, an "essential drilling site facility" is a facility which is located at or in the immediate vicinity of a petroleum drilling structure, is essential for use in the drilling operation at which it is located, and cannot feasibly be located elsewhere.

3. Siting.

a. Use of a barrier island will be permitted only where the applicant for the special use permit demonstrates that its habitat values, including the free movement of wildlife and wildlife access, will not thereby be significantly impaired. In addition, gross alterations to a barrier island, such as raising the freeboard or altering or reinforcing the shoreline, will be permitted only where the applicant demonstrates that:

(i) The overall environmental effects will be less harmful than the available alternatives, including use of an artificial island or other offshore drilling structure; and

(ii) The alteration will not contribute significantly to erosion of the island or of other barrier islands, shoals or reefs, or significantly reduce sediment deposition at other barrier islands, shoals or reefs.

4. Seasonal restrictions.

a. Down-hole drilling operations conducted offshore or within 300 feet of the CZ shoreline are permitted only between November 1 (or the date by which stable shorefast ice is present in the vicinity, whichever occurs later) and March 31.

5. Design and operation of drilling structures and rigs.

a. Each drilling operation and structure must be designed so as to use the best and safest available technology for purposes of preventing blowouts and spills and for purposes of minimizing overall harm to the environment. For the purposes of this paragraph, safest and best available technology may include oil spill containment barriers.

b. In addition to the requirements of subparagraph (a) above, the use of artificial gravel islands in lagoon areas or river deltas will not be permitted unless the applicant demonstrates that the cumulative impact of an island together with all other artificial islands constructed or for which application has been made:

(i) will not impair the functioning of the lagoon area's or river delta's natural systems, including: water circulation, nutrient flow, sediment transport, and movements and feeding relationships of organisms; and

(ii) will not lead to the filling in of

lagoons or the erosion of barrier islands.

c. Any artificial island permitted to be constructed must be removed, and the affected areas restored, promptly after drilling operations are completed, unless the applicant demonstrates either that the island will be used for additional exploration or production purposes or that the environmental effects of removing the island are likely to be more deleterious than those of leaving it in place.

d. Each drilling operation must have continuously in effect a blowout or oil spill control and cleanup plan and capability meeting federal, state, and local requirements. This plan must be capable of meeting any subsequently adopted local oil spill control and cleanup plan as well as the following requirements:

(i) An analysis of the possible types and magnitudes of oil or other chemical discharges and their effects including transport mechanisms and routes of discharged substances.

(ii) A description of a system designed to ensure continuous monitoring of operations that could result in an oil or chemical discharge and designed to ensure prompt detection of any such discharge. The system as described shall include a current list of names, telephone numbers, and addresses of the responsible persons and alternates who are on call and designated by the applicant to receive notification of a discharge, as well as names, telephone numbers, and addresses of regulatory organizations and agencies which will be notified when a discharge is discovered.

(iii) A description of the procedures to be followed in the event of a discharge which shall separately address each of the following conditions under which oil or chemicals could be released: surface of ice or land; open water; ice-infested water; or water under the ice. The description shall further address in detail the proposed --

(A) Methods for bringing a well under control, including detailed plans for drilling relief wells; the relief well plan shall denote the availability and identify the locations of relief drilling rigs and materials for constructing relief drilling pads and structures, and shall describe the sequence, timing, and location of such relevant activities as constructing and preparing a drilling pad or structure, transporting a drilling rig to the appropriate site, setting up the rig, commencing drilling, and achieving well control;

(B) Methods for recovering and disposing of oil or other discharged chemicals from affected water and surfaces, with particular attention to recovering oil from under the ice; and

(C) Other corrective measures, including diversion of oil from ecologically sensitive areas, clean-up and restoration of contaminated areas, and treatment of affected wildlife.

(iv) A description of the equipment and materials which shall be kept available for use in controlling and correcting discharges, including identification of relief drilling rigs, pads, and structures to be used. This description shall identify locations of equipment and materials, including construction materials such as gravel where applicable; detail the methods of and times required for their deployment; and detail a program for regular inspection and maintenance of equipment and materials.

(v) An accurate assessment of the capabilities of the equipment and materials described in (iv) which would be used to recover discharged oil. This assessment shall address their performance in recovering oil from under the ice, from water containing broken ice from seas in storm conditions, and under other conditions which may occur at the drilling site. The assessment shall be based on actual operational or experimental testing of equipment and materials under similar Arctic conditions.

(vi) A description of the personnel and organization to be used in controlling and correcting discharges, which shall include:

(A) Specification of an oil or chemical discharge response operating team consisting of trained, prepared, and available operating personnel;

(B) Predesignation of an oil or chemical discharge-response coordinator who has the responsibility and commensurate authority for directing and coordinating response operations;

(C) A designated location for an oil or chemical discharge-response operations center;

(D) Specification of a reliable communications system for directing coordinated overall discharge-response operations.

(vii) Commencement of relief well drilling in the event of a blowout as expeditiously as possible, and within the shortest of the following time periods:

(A) In time to prevent significant irreparable environmental damage; and

(B) In the case of offshore operations, in time to control the blowout prior to spring breakup.

(viii) Effective containment, recovery, and disposal of oil, in the largest amount that could be released, and under as many of the following conditions as could occur: on surface of ice or land, in open water, in ice-infested water, and under the ice.

(A) For purposes of this requirement, if reliable information about flow rates from a reservoir being penetrated is not available, then the largest amount of oil that could be released must be estimated on the assumption that the rate of release would at least equal the greatest unrestricted flow rate experienced among wells previously drilled in reservoirs within the CZ.

(B) For purposes of this requirement, "disposal" means treatment, transport where appropriate, and discard of all oil and oil-contaminated materials in a manner which does not cause pollution of surface or sub-surface waters or otherwise cause significant harm to the environment.

(ix) Diversion of uncontrolled oil from ecologically sensitive areas and treatment and clean-up of contaminated shorelines and wildlife.

e. At all times each drilling operation must have on-site an individual who has the responsibility to order emergency shut-down of down-hole operations in the event conditions, including ice and sea forces, threaten the integrity of the structure or control of the rig.

f. At all times each drilling operation must have in effect a system for accurately and continuously monitoring and, to the extent feasible, forecasting ice conditions, including ice movements and ice stresses exerted on the drilling structure.

g. All oil and fuel storage facilities must be constructed and installed with impermeable barriers and spill recovery systems to effectively prevent leaks, spills, and other releases from reaching surface or subsurface waters.

6. Water.

Any water source must be selected and used to prevent significant adverse effects on natural surface water flow patterns, aquatic life, and sediment transport.

7. Waste disposal.

a. No discharge of drilling muds or formation waters is permitted outside the PSB except by reinjection into the well bore or into subsurface

strata in a manner which does not pollute surface or subsurface waters.

b. Discharge of other liquid waste to waters will be permitted only in a manner which avoids significant damage to aquatic or marine life.

c. Disposal of solid waste is not permitted offshore or in wetlands, except that drilling cuttings not contaminated with oil may be incorporated into artificial gravel islands in a manner which avoids the release of any toxic substances.

8. Noise.

a. Emission of noise which disturbs whales or any endangered or threatened animal species is not permitted.

b. Best available technology to reduce noise emissions consistent with the protection of personnel safety must be used, unless the applicant demonstrates that the proposed facilities and activities will not significantly disturb wildlife.

D. Petroleum development. (RESERVED)

E. Petroleum production. (RESERVED)

F. Pipelines. (RESERVED)

G. Extraction of gravel. Extraction of gravel is not permitted from natural barrier islands or reefs, beaches, within one and one-half miles on shore from the CZ shoreline, active river channels, vegetated portions of river bars, or lakes which contain or support significant populations of fish.

Extraction of gravel elsewhere is subject to the following restrictions:

1. Site selection and method of extraction must be based on a survey and analysis of feasible alternative sites and methods. Site survey must be performed during summer if feasible. The applicant must select the site and the method of excavation which is demonstrated to present the least risk of environmental damage and the highest degree of compatibility with surrounding land forms.

2. Extraction of gravel which will result in significant damage to wildlife habitat or population will not be permitted.

3. Following completion of gravel removal operations, areas affected by mining, other than lake beds and ocean bottoms, must be graded along natural contours unless the permit specifies otherwise based on subsequent usage and environmental disturbance.

H. Roads. (RESERVED)

I. Experimental Structures. (RESERVED)

19.17.130 Special Use Permit: Applications.

A. General. Each application for a special use permit for activities in the CZ shall include:

1. The name and address of the applicant, and of the operator of each portion of the covered facilities and activities if the operator is not the applicant; and the name(s) and address(es) of the individual(s) authorized to represent the applicant on all matters pertaining to the permit sought.

2. A description of the activities and facilities proposed which is sufficient to enable the Administrator to determine whether the applicant and/or operator can meet pertinent standards and restrictions.

3. A description of the areas to be affected by the proposed activities and facilities. This description shall be based, among other things, on information obtained from residents and subsistence users of the areas to be affected.

4. An assessment of potential impacts on the environment and on subsistence resources and activities, together with a description of plans and measures to avoid or minimize adverse impacts. This

assessment shall focus upon the overall impacts of a proposed action as well as upon site specific concerns.

5. A survey of historic, cultural, and archaeological sites in the areas to be affected, and plans to avoid damage to such sites. This survey shall be based, to the extent feasible, on information obtained from residents and subsistence users of the areas to be affected.

6. A description of the employee training program required under section 19.17.120(A)(2).

7. Any other information which the Administrator may need to evaluate whether the proposed activities and facilities will comply with the requirements of this chapter.

8. A list of each permit, permit application, lease, plan of operations, or other such document relating to the proposed activities and facilities which the applicant has submitted to or received from any state or federal agency. A copy of each such document shall be made available to the Administrator promptly upon request.

9. A certification by the applicant that he is aware of the location of all Native allotments for which application is pending or for which title has been granted under applicable provisions of federal law and which are located within the area described in the application, based on a search of relevant federal and local records.

B. Petroleum Exploration. 1. In addition to the requirements of subsection A, each application for a special use permit in connection with petroleum exploration other than geophysical exploration shall include:

1. A statement of the number of persons expected to be employed at various times, including those to be employed in the PSB; the nature of work shifts; and arrangements for accommodation in, and transportation to and from, the CZ.

2. An analysis of substantially possible geophysical hazards, and the response of the drilling structure and other facilities to such hazards, with reference to all data and studies upon which it is based.

3. A demonstration that proposed facilities and activities are substantially consistent with the Exploration Plan or an explanation of the reasons for any significant deviation therefrom.

C. To the extent that a permit application, plan, or other similar document submitted to a state or federal agency contains information required to be submitted under this section, a person applying for a special use permit may comply with the informational requirements herein by submitting a copy of such document.

19.17.140 Special Use Permit: Approval and Denial.

Pursuant to the procedures established in section 19.17.210(A), an application for a special use permit shall be approved if the application is complete and the applicant has affirmatively demonstrated that all standards contained in section 19.17.120 and other requirements of this title have been met. Incompleteness of the application or failure to affirmatively demonstrate that all applicable standards contained in section 19.17.120 or other requirements of this title have been met shall result in denial of the application. The Administrator may approve an application for a special use permit with conditions to ensure compliance with the applicable standards, including seasonal limitations on onshore activities and offshore activities other than down-hole drilling operations.

19.17.150 Special Use Permit: Conditions.

A. In addition to conditions which may be imposed pursuant to section 19.17.140(A), every special use permit for a use in the CZ shall contain the following conditions:

1.a. That the permittee shall report to the Administrator in writing within ten days of any failure to comply with any permit standard or condition;

b. That the permittee shall immediately inform the Administrator, or such other Borough official or officials as the Administrator may specify, of any significant discharge of oil or other chemical, any accident or other occurrence which threatens the integrity of a drilling structure or rig or which threatens loss of control of a well, or of any other emergency which necessitates action permitted only under section 19.17.190;

c. That the permittee shall also promptly notify the Administrator of any report submitted to any federal or state agency on the discharge of oil or other chemical or on any accident or other emergency, or on a failure to comply with any federal or state law or regulation, permit term or condition, or lease term or stipulation. A copy of such report shall be furnished to the Administrator promptly upon request.

2. That the permittee shall allow the Administrator or his authorized representative(s), upon the presentation of credentials, to enter upon the permittee's premises for the purpose of inspecting the facilities and activities, including monitoring for water pollutants, air pollutants, and noise emissions, and for evaluating whether permit conditions have been complied with.

3. That the permittee shall make available to the Administrator or his authorized representative(s), upon written request, for inspection and copying, any records relevant to an evaluation of the permittee's compliance with the requirements of this chapter.

4. That the permittee shall commence the activities and facilities authorized under the permit within eighteen months of its issuance or the permit will expire.

5. That the permittee shall comply with all applicable standards and restrictions established in section 19.17.120.

19.17.160 Special Use Permit: Revocation and Suspension.

A. The Administrator may, pursuant to this section, suspend or revoke any special use permit, in whole or in part, for violation of a permit standard or condition, or for a material misrepresentation in the permit application, or for failing to disclose fully all relevant facts before or after the permit is granted. A suspension or revocation may provide for immediate cessation of activities.

B. Grounds for suspension and suspension procedures.

1. Summary suspension. a. The Administrator may order immediate suspension where he finds that a violation is causing or poses a substantial risk of causing significant and immediate injury to the public health, safety, or welfare, including injury to the coastal environment or subsistence resources.

b. Suspension shall be effective immediately upon receipt by the permittee's agent for service of process, or any responsible supervisory employee of the permittee or pertinent contractor or subcontractor, of a suspension order, specifying the subject of the order and the reasons therefore. The order shall be in writing. If the suspension order is served upon a supervisory employee other than an agent specified in the permit application, a copy of the order shall also be served as soon as practicable upon the latter.

c. A summary suspension shall expire not later than fifteen days after receipt of the suspension order.

d. A permittee subject to a summary suspension may request that the Administrator hold a hearing on the suspension pursuant to subsection (E). The Administrator shall hold a hearing as soon as practicable and not later than ten days following receipt of the request for the purpose of determining whether the suspension should continue or be terminated and whether the permit should be revoked.

2. Suspension following hearing. The Administrator may order suspension following hearing pursuant to subsection (E):

a. when he finds that a material violation exists, in which case the suspension shall be for a period of time necessary to remedy the violation; or

b. when he finds that a permittee has willfully violated a permit condition or engaged in material misrepresentation or failed to disclose relevant facts, but that permit revocation is not warranted, in which case the suspension shall be for a period of time which the Administrator finds is appropriate to ensure future adherence to permit conditions or accurate and complete disclosure of relevant facts.

C. The Administrator may, as part of or in lieu of a suspension order, impose additional permit conditions which he determines are necessary or appropriate to remedy a violation or to avoid future violations.

D. Grounds for revocation and revocation procedures. The Administrator may order revocation following hearing pursuant to subsection (E):

1. when he finds that a violation(s) cannot practicably be remedied within a reasonable period of time; or

2. When he finds that a permittee's conduct in willfully violating a permit condition or engaging in material misrepresentation or failure to disclose relevant facts is of such a nature that the permittee cannot reasonably be expected to voluntarily comply with permit conditions in the future or provide accurate and complete disclosure of relevant facts or otherwise to act in good faith under the permit.

E. Hearings.

1. A hearing under this subsection shall be held not sooner than fifteen days following service of notice upon the permittee, except in the case of a hearing held following a permittee's request under subsection (B)(1)(d).

2. Notice shall be in writing and shall specify the time, date, and place of the hearing and the basis for the proposed suspension or revocation.

3. The hearing shall be governed by the provisions of section 19.17.210(C).

F. When used in reference to acts or omissions relevant to permit suspension or revocation, the term "permittee" in this section includes a permittee's employees, agents, contractors, and subcontractors.

19.17.170 Local Consultation.

A. Every person required to submit an Exploration Plan shall carry out timely consultation with the relevant city council in accordance with subsection B. For purposes of this section, "relevant city council" means a council for a city within 150 miles of the locus of the proposed use.

B. Procedures 1. Prior to submitting a Plan, or annual report of significant changes in the Plan, a person intending to submit such Plan or report shall provide to the relevant city council a copy of a preliminary Plan or report. The preliminary Plan or report shall include an informative description written in a clear, simple manner.

b. At the request of a city council or mayor, such person shall attend an informal public meeting in the city for the purpose of explaining and answering questions concerning the proposal, and for the purpose of consulting residents of the city on their concerns, relevant knowledge, and recommendations regarding the proposal. If requested, such person shall provide for translation between English and Inupiaq at the meeting.

c. Following the meeting, and not later than the time the Plan or report is submitted to the Administrator, such person shall provide the city council with a written summary of the results of the meeting, including objections and recommendations and responses. A copy of this document shall accompany the Plan or report submitted to the Administrator.

d. The city council may submit its own summary of the results of the meeting to the Administrator.

2. In the event that a person required to carry out consultation under this section fails to receive a request for a meeting within twenty days after submitting the preliminary Plan or report, the person shall contact the council and the mayor and ask whether or not a meeting is desired. If the answer is affirmative, the council shall have a meeting within thirty days and the person shall attend such meeting in accordance with the provisions of this section. If the answer is negative, or if no meeting is held within thirty days, the person shall so certify in writing when he submits the Plan or report and the requirements of this section shall be deemed to have been met.

C. Every person required to submit an application for a special use permit shall mail to the city council of each city within 150 miles of the proposed activity a listing of all documents or materials contained in the application. Upon written request of the city council, the applicant shall provide copies of any requested item on the list to the relevant city.

D. Copies of all decisions by the Administrator on permits, including revocation and suspension, shall be mailed to the city council of any city within 150 miles of the activity covered by the relevant permit.

19.17.180 Procedures in Lieu of Permit Adjudication

A. Upon the request of the applicant, or upon his own initiative, the Administrator may elect to participate in the regulatory procedures of state and/or federal agencies in lieu of conducting a separate special use permit adjudication under this chapter.

B. An applicant seeking a special use permit for an activity or facility in the CZ may request consideration of state and/or federal regulatory procedures in lieu of the Administrator's independent permit review. The applicant shall indicate such request at the time of and as part of the application for a special use permit. In addition to the requirements of 19.17.130, the application shall:

1. Identify the state and/or federal regulatory procedures that should be considered and the process for decision making, including opportunity for public review and comment;

2. Explain how the criteria in the state and/or federal agencies' regulations will adequately protect the interests of the Borough; and

3. Provide copies of the relevant state and/or federal permit applications.

C. The Administrator may make an election under 19.17.180(A) if he finds that the state and/or federal agency procedures adequately protect the interests of the Borough. For the purposes of this section, "adequately protects the interests of the Borough" means that state and/or federal agency

procedures and regulations:

1. Concern the impacts of proposed actions on subsistence resources or activities;

2. Provide for consultation with the Borough concerning compliance or consistency with the standards contained in this ordinance; and

3. Provide for adequate public notice of and opportunity for comment on the proposed action.

D. The Administrator shall issue public notice of an election to participate in the regulatory procedures of any state and/or federal agency in lieu of conducting a separate special use permit adjudication within twenty days after an application is submitted. Public notice shall be given pursuant to 19.17.210(D) and shall include:

1. The name and address of the applicant;

2. An informative description of the subject of the application, including, where applicable, a summary description of the proposed activities and facilities, including their location(s) and relevant time periods;

3. A statement identifying where the public may inspect the application;

4. A statement that the Administrator has elected to participate in state and/or federal agency regulatory procedures in lieu of conducting a separate Borough permit adjudication; the names and addresses of the relevant state and/or federal agencies; the specific regulatory procedures in which the Administrator will participate; a statement that public notice of and opportunities to comment on the state and/or federal agency regulatory procedures will be provided at a later time; and a statement that the Administrator has found that participating in the state and/or federal agency procedures in lieu of conducting a separate Borough permit adjudication will adequately protect the interests of the Borough.

5. A statement that any city council of a city within 150 miles, or five or more interested persons within the North Slope Borough, may request a hearing within 30 days of this notice.

E. For the purposes of this section, the Administrator shall certify to a state or federal agency its preliminary findings as to consistency or inconsistency no later than the close of the public comment period on the permit or approval under consideration. Prior to making a preliminary finding, the Administrator shall consider the testimony or evidence submitted at any city council requested hearing. The preliminary findings of consistency or inconsistency shall be based on the criteria contained in 19.17.140.

F. If the preliminary finding of the Administrator is of inconsistency, the Administrator may endeavour to resolve the inconsistency.

G. Following final federal or state agency action on the permit or approval under consideration, or concurrent therewith, the Administrator shall issue final certification of consistency or inconsistency. Final certification of consistency or inconsistency shall be based on satisfaction of the criteria contained in 19.17.140. The Administrator's failure to act within thirty days following final state or federal agency action shall constitute a finding of consistency by the Borough.

H. A certification of consistency or inconsistency by the Administrator shall operate respectively as a grant or denial of a special use permit application under this chapter. Upon a finding of consistency, the Administrator shall issue the applicant a special use permit. The provisions of 19.17.120, .130, .150, .160, .180, .190, .200, .210(E), and .220 shall apply. The provisions of 19.17.110 are superseded by the provisions of the state or federal agency permit or approval, except that an application to amend or renew a state or federal agency permit with respect to which the Administrator has certified consistency

shall be made to the Administrator at the same time it is made to the state or federal agency.

I. Nothing contained in this section is intended to restrict or limit the Borough's review of federal or state agency actions in or affecting the coastal zone where an election to proceed under this section is not made.

19.17.190 Emergencies. A. Any other provision of this chapter to the contrary notwithstanding:

1. A permittee may conduct emergency operations necessary to avert danger to human life, wildlife, wildlife habitat, or property. The permittee shall make reasonable efforts to conduct such operations in a manner that avoids or minimizes significant harm to the environment, consistent with the need to protect human life.

2. In the event of a blowout or other continuing and uncontrolled release of oil or gas, a permittee may undertake emergency construction and other activities reasonably necessary to control and contain the flow of oil or gas, consistent with the approved oil spill or blowout contingency plan.

B. A permittee shall immediately inform the Administrator of any action taken pursuant to this section.

19.17.200 Fees. A. Each person applying for a special use permit or submitting an Exploration Plan under this chapter shall pay to the Borough an application fee in an amount to be established by assembly resolution pursuant to section 3.04.080 of the Borough code.

19.17.210 Special Use Permit and Plan Application Procedures.

A. Permit applications and Plans.

1. For purposes of this subsection:

a. "Application" means a special use permit application.

b. "Applicant" means a person applying for a special use permit.

2. a. An application shall be submitted in writing, shall be signed by the applicant or a responsible agent thereof certifying its accuracy and completeness, and shall be accompanied by the required fee. An application shall be considered as submitted when it is received in complete form by the Administrator or his designee.

b. The Administrator shall prescribe the required form(s) of applications and make copies of the form(s) available upon request.

3.a. The Administrator shall issue public notice of an application, in accordance with subsection (D) of this section, within twenty days after its submission.

b. A copy of the application shall be made available for public inspection in the Borough offices. The Administrator may also make copies available for public inspection at other convenient locations.

4. The Administrator shall consider all written comments regarding a special use permit application which are received within thirty days of the first written publication of public notice or within ten days after any public hearing on the application.

5.a. At the written request of the applicant or a city council of a city within 150 miles of the proposed activity or by five or more interested persons within the North Slope Borough received within thirty days of the first written publication of public notice, the Administrator shall hold a public hearing on an application. The agency may also hold a public hearing on its own motion.

b. Within ten days of a sufficient request for a public hearing under (a) above, the

Administrator shall issue public notice of the hearing.

c. A public hearing on an application shall be held not sooner than fifteen days following the first written publication of public notice of the hearing, or thirty days following the first written publication of public notice of the application, whichever is later, and not later than forty-five days following the first written publication of public notice of the hearing.

6.a. The Administrator shall approve or disapprove an application within sixty days following the close of the period for written comments. If at any time within ten days after the close of the period for written comments the Administrator determines that additional information is required in order to evaluate whether the application will comply with the requirements of this chapter and he submits a written request to the applicant for such information, the time limits established in this subparagraph will be tolled for no longer than a total of thirty additional days.

b. If the Administrator fails to timely approve or disapprove an application, it shall be deemed to be issued or accepted. All conditions provided for in section 19.17.150 shall apply to such special use permits.

c. The Administrator shall explain in writing the basis for his decision on an application and shall serve a copy of the decision on the applicant and any person who has requested a copy of the decision in writing. The Administrator shall, if he approves the application, issue at the same time to the applicant a permit covering the activities or facilities described in the application, with such exceptions as may be necessary to meet the requirements of this chapter and with such conditions as he may include pursuant to section 19.17.140 and as are otherwise required under this chapter.

7. A copy of each decision on an application, of each Exploration Plan and change amendments thereto, and of each special use permit shall be kept on file by the agency for public inspection.

B. Public hearings on permit applications.

1. A public hearing under subsection (A) shall be held before the Administrator or his designee.

2. Reasonable provision shall be made for the presentation of testimony or other relevant information by the person submitting the application and by other interested persons.

3. Witnesses may be questioned by the official(s) holding the hearing and, at the discretion of the presiding official, other persons.

4. When the presiding official determines that translation between English and Inupiaq is necessary to ensure full participation by interested persons, he may, by written request not later than ten days before the hearing, require the person submitting the application or Plan to provide for such translation at the hearing.

C. Hearings on Permit Suspension/Revocation and Civil Penalties.

1. A hearing held under this subsection shall be presided at by the Administrator or his designee. The hearing shall be conducted informally. Formal rules of evidence shall not apply; however, the presiding official may exclude evidence which is irrelevant, unduly repetitious, or lacking in significant probative value.

2. The parties may be represented at the hearing by legal counsel.

3. The permittee may present witnesses and other relevant evidence and argument, and may question any witnesses testifying at the hearing. The presiding official may on his own motion permit other witnesses to testify and admit other evidence.

The presiding official and, at the presiding official's discretion, other Borough officials, may question any witnesses testifying at the hearing.

4. Upon the written request of the permittee made not later than three days before the hearing, and if practicable if made upon a later request, the Administrator shall make available for examination at the hearing any Borough employee capable of supplying relevant evidence or testimony. The Administrator shall also promptly make available to the permittee any documents relevant to the subject of the hearing.

5. Upon the written request of the Administrator or the presiding official, if not the Administrator, made not later than three days before the hearing, and if practicable if made upon a later request, the permittee shall make available for examination at the hearing any employee or agent, including an employee or agent of a permittee's contractor or subcontractor, with relevant evidence. The permittee shall also promptly make available to the Administrator or his designee any documents relevant to the subject of the hearing.

6. A verbatim record shall be made of the hearing by electronic recording or stenographer.

7. Either the Administrator or the presiding official who is his designee shall issue a written decision, based on the evidence admitted at the hearing, as soon as practicable following the hearing. The decision shall be promptly served on the permittee.

D. Public notice.

1. This subsection (D) applies to any public notice required under this chapter.

2. Public notice of a hearing shall include the time, date, place, subject of the hearing, and time limits for submission of comments.

3. Public notice of the submission of an application shall include:

a. The name and address of the applicant;

b. An informative description of the subject of the application, including where applicable a summary description of proposed activities and facilities, including their location(s) and noting relevant time periods;

c. A statement identifying where the public may inspect the application;

d. A statement that upon the request of five or more interested persons received within the applicable time period, a public hearing will be held, unless the notice already establishes a time and place for a public hearing.

e. A statement that interested persons may request a public hearing within the applicable time period, unless the notice already establishes a time and place for a public hearing.

4. Public notice shall be effected by publication in a newspaper of general circulation in the Borough and the State at least two times and by one or more of the following:

a. Two announcements broadcast on radio or television located within the Borough each day for a minimum of three days;

b. Posting in three public places in Barrow and in any city within 150 miles of the proposed activity or facility; or

c. Mailing to the postmaster and the mayor of any city within 150 miles of the proposed activity or facility.

E. Petition for Reconsideration.

1. Within twenty days following service of a decision on an application under subsection 19.17.210(A)(6)(c), the applicant or any aggrieved

person may serve upon the Administrator a petition for reconsideration and a statement of reasons in support thereof. If the petitioning party is not the applicant, the petition for reconsideration and statement of reasons in support thereof shall be served on the applicant at the same time that it is served on the Administrator.

2. Within ten days following service of the petition and statement of reasons in support thereof on the applicant, the applicant may serve upon the Administrator and the petitioning party a responsive statement.

3. Neither the submission nor granting of a petition for reconsideration acts as a stay of any decision of the Administrator unless the Administrator so directs. Applications for a stay will be granted only when the petition raises serious and substantial questions regarding the validity of the Administrator's decision and no significant harm to the public health or environment will be caused by a delay.

4. After granting a petition, and upon a review of the record, the Administrator will affirm, modify, or reverse his decision under subsection 19.17.210(A)(6)(c) within twenty days of the granting of the petition.

19.17.220 Penalties.

A. Any person who violates any standard or condition of a permit required under this chapter or who otherwise violates any provision of this chapter or of chapters 19.18, 19.19, 19.21, or 19.22, may be assessed a civil penalty by the Administrator.

1. The Administrator may assess the penalty in an amount equal to 150% of the reasonably estimated economic saving or gain enjoyed by the violator as a result of the violation. Alternatively, if sufficient information on which to base such an estimate is not available, the Administrator may assess a penalty for every separate violation in an amount not to exceed \$10,000, taking into account: the violator's history of previous violations; the seriousness of the violation, including consideration of any irreparable harm to the environment or subsistence usage and any hazard to the public health or safety; whether the violator was negligent; and the demonstrated good faith of the violator in attempting to achieve rapid compliance after notification of the violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

2. The Administrator shall assess a civil penalty by issuing to the person against whom the penalty is assessed a written notice of violation. Such notice shall contain: a description of the violation; the amount of the penalty and the basis therefor; a statement that the person against whom the penalty is assessed may request in writing a hearing on the violation and the penalty within thirty days of receiving the notice; and a statement that failure to request such a hearing will result in a waiver of all rights to contest the violation or the amount of the penalty and in the penalty's becoming effective thirty-one days after the notice is received.

3. If the person against whom the penalty is assessed makes a timely request for a hearing pursuant to paragraph (2), the Administrator shall hold a hearing pursuant to section 19.17.210(C), and the penalty assessed in the notice of violation shall not become effective unless the Administrator orders it pursuant to a written decision under paragraph (4) following the hearing. For purposes of this subsection, the term "permittee" in section 19.17.210(C) includes any person to whom a notice of violation has been issued.

4. The Administrator's written decision following a hearing shall include a determination as to whether a violation has been committed. If the Administrator determines a violation has been committed, he shall determine what the appropriate penalty is and include an order in the decision assessing such penalty. The penalty shall

be effective immediately upon issuance of the decision.

5. A person against whom a civil penalty is assessed under this subsection shall pay the penalty in full within thirty days of its effective date, unless timely review is sought pursuant to section 19.17.210(E)(3).

6. Civil penalties owed under this subsection may be recovered in a civil action brought by the borough attorney at the request of the Administrator in any court of appropriate jurisdiction.

B. The remedies established by this section are cumulative and not exclusive, and are in addition to other remedies provided by law, including actions for damages and/or injunctive relief for harm to subsistence activities and resources.

C. Failure to comply with any condition of a permit required under this chapter is prohibited and constitutes a violation of this chapter.

Chapter 19.18

PSB PETROLEUM SERVICE BASE AND PRODUCTION DISTRICT

19.18.010 Regulations Generally. The regulations in this chapter shall apply to a PSB located within the CZ. Regulations elsewhere established for RD, RI or HRD districts are superseded, where such districts or portions thereof are located within a PSB, to the extent they are inconsistent with regulations established in this chapter.

19.18.020 Purposes. The purposes of a PSB are:

A. To permit efficient development and production of an oil and gas field which is producing at the time this ordinance is enacted, while protecting long-term wildlife habitat and subsistence values;

B. To provide sites for facilities required to support and service petroleum exploration, development, and production elsewhere in or near the CZ;

C. To minimize dispersal of industrial facilities to coastal areas currently in a relatively undisturbed state;

D. To provide for the siting of major energy facilities in locations which fulfill, to the extent feasible and prudent, the applicable standards established in 6 AAC 80.070.

19.18.030 Designation as Areas Which Merit Special Attention. PSB's shall be designated as an Areas Which Merit Special Attention for purposes of 6 AAC 80.160.

19.18.040 Permitted Uses. In addition to the uses permitted generally in the CZ, the following uses are permitted in a PSB unless subject to sections 19.17.070(A)(2), 19.17.070(B), or 19.17.090:

A. Petroleum exploration, development, production, and transportation facilities and activities which comply with all applicable Federal, State, and local laws, ordinances, regulations, permit terms and conditions, and lease terms and stipulations; provided that gravel extraction shall be permitted by right only in the Put Oxbow and Kuparuk areas as designated on the official Borough map. The Administrator may designate additional areas in which gravel extraction shall be permitted by right within the PSB.

B. Facilities and activities required to support or service petroleum exploration, development, production, and transportation in or near the CZ, which comply with all applicable Federal, State, and local laws, ordinances,

regulations, permit terms and conditions, and lease terms and stipulations; provided that, except for temporary camps and storage areas serving temporary construction or drilling activities, there shall be no additional permanent service facilities developed west of the Kuparuk River within the PSB.

19.18.050 Special Uses. The following uses may be permitted only by special use permit issued by the Administrator pursuant to chapter 19.17:

A. Gravel extraction in areas not designated for gravel extraction by right in section 19.18.040(A).

Chapter 19.19

GH GEOPHYSICAL HAZARD DISTRICT

19.19.010 Regulations Generally. The regulations in this chapter shall apply to GH's located within the CZ. Regulations elsewhere established for RD, RI, or HRD districts are superseded, where such districts or portions thereof are located within a GH, to the extent they are inconsistent with the regulations established in this chapter.

19.19.020 Purpose. The purpose of a GH is to protect coastal resources, including wildlife and wildlife habitat, subsistence usage, and property, from unacceptably high risks of serious damage due to geophysical hazards, in areas where the Commission and Assembly find, after soliciting and considering the views of appropriate federal, state or regional agencies and other interested parties, that:

A. Petroleum drilling and production are incompatible with the area, in that the technology and capability required to operate under the ice hazards and other geophysical conditions which may occur in the area without unacceptably high risk of damage have not been adequately demonstrated to be available and practicable; and

B. Considering the availability of reasonable alternative sites for such uses of state concern that may be excluded from or restricted in the district, and the importance of such uses relative to other relevant uses and values, including those affected by the geophysical hazards in question, it is in the public interest to prohibit petroleum drilling and production in the district.

19.19.030 Designation as Geophysical Hazard Areas. GH's shall be designated as Geophysical Hazard Areas for purposes of 6 AAC 80.050.

19.19.040 Designation as Areas Which Merit Special Attention. GH's shall be designated as Areas Which Merit Special Attention for purposes of 6 AAC 80.160.

19.19.050 Prohibited Uses. In addition to the uses prohibited generally in the CZ, the following uses are prohibited in a GH:

A. Petroleum drilling or production, or construction or operation of a petroleum drilling rig, production facility, or gathering line or pipeline. This prohibition does not apply to directional petroleum drilling conducted outside a GH which enters subsurface portions of a GH.

Chapter 19.21

C CONSERVATION DISTRICT

19.21.010 Regulations Generally. The regulations in this chapter shall apply to all C's. Regulations elsewhere established for RD, RI, or HRD districts are superseded, where such districts or portions thereof are located within a C, to the extent they are inconsistent with regulations established in this chapter.

19.21.020 Purpose.

A. The purpose of a C is to protect and preserve areas which are vital to the perpetuation of wildlife or areas which are of great historic or cultural value where industrial uses or facilities are generally incompatible with the protection and preservation of the areas or values in question, but may be compatible on a site-specific basis.

19.21.030 Designation as Areas Which Merit Special Attention. C's located within the CZ shall be designated as Areas Which Merit Special Attention, for purposes of 6 AAC 80.160.

19.21.040 Special Uses. The following uses may be permitted by special use permit issued by the Administrator as provided in chapter 19.17:

A. Petroleum-related facilities and activities where:

1. There is no feasible alternative site not in a C.

2. The proposed use is compatible with the proposed site in that it does not significantly impair any of the purposes for which the area has been designated; and

3. The proposed use meets the applicable standards contained in 19.17.120.

19.21.050 Prohibited Uses. In addition to the uses prohibited generally in the CZ, the following uses are prohibited in a C:

A. Non-petroleum related industrial activities, or construction or operation of any non-petroleum related industrial facility.

19.21.060 Special Area Designation. There are established the following special habitat, historic, cultural, or subsistence areas within C districts in which petroleum-related facilities and activities shall be prohibited:

A. Cross Island; and

B. Pole Island.

The Borough Assembly may, from time to time, designate by ordinance additional such areas in which designated uses shall be prohibited.

Chapter 19.22

DD DEFERRED DEVELOPMENT DISTRICT

19.22.010 Regulations Generally. The regulations in this chapter shall apply to a DD located within the CZ. Regulations elsewhere established for RD, RI, or HRD districts are superseded, where such districts or portions thereof are located within a DD to the extent they are inconsistent with regulations established in this chapter.

19.22.020 Purpose. The purpose of a DD is:

A. To provide for orderly, phased extension of petroleum exploration from onshore to offshore locations, in which shallower nearshore locations are explored prior to deeper, further offshore locations where conditions vary more from those which the petroleum industry has to this date extensively experienced; and

B. To protect coastal resources, including wildlife and wildlife habitat, and subsistence usage from the impact of premature petroleum exploration, development, or production, in areas where the Commission and Assembly find, after soliciting and considering the views of appropriate federal, state or regional agencies and other interested persons, that:

1. Greater exposure to sea ice forces and hazards and to other geophysical hazards, lesser information on oceanographic, geological, and biological processes and phenomena, less tried

technology and lesser operating experience on the part of the petroleum industry, and additional or different risks to wildlife, as compared with areas closer to shore, and other relevant distinguishing factors, make immediate petroleum exploration incompatible with the area and make it prudent to defer petroleum exploration until substantially greater experience has been obtained in areas closer to shore; and

2. Considering the availability of reasonable alternative sites for such uses of state concern that may be excluded from or restricted in the district, and the importance of such uses relative to other relevant uses and values, it is in the public interest to restrict petroleum exploration, development, and production in the manner provided in section 19.22.040.

19.22.030 Designation as Areas Which Merit Special Attention. DD's shall be designated as Areas Which Merit Special Attention for purposes of 6 AAC 80.160.

19.22.040 Prohibited Uses. A. In addition to the uses prohibited generally in the CZ, the following uses are prohibited in a DD:

1. Prior to October 1, 1984: petroleum drilling or production, or construction or operation of a petroleum drilling rig, production facility, or gathering line or pipeline. This prohibition does not apply to directional petroleum drilling conducted outside a DD which enters subsurface portions of a DD.

B. Before May 1, 1984, the Administrator shall evaluate the status of relevant petroleum industry operating experience, technology, and information, and other factors relevant to a determination of whether regulations applicable to a DD should be continued, modified, or terminated, and shall submit a recommendation regarding such a determination to the Commission. The Commission shall consider the Administrator's recommendation and shall, pursuant to applicable procedures governing public notice and hearing, recommend to the Assembly appropriate action regarding regulations applicable to the DD.

C. Relevant information may be presented to the Administrator at any time prior to the May 1, 1984 demonstrating the need to modify the DD regulations. This information shall be evaluated and responded to by the Administrator in writing within a reasonable period of time.

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IMPLEMENTATION

The primary means proposed to implement the Objectives and Policies for the mid-Beaufort region is zoning—dividing land and water into special areas (districts) for the regulation of uses and activities. The proposed ordinance establishes five types of zoning districts. Within each district, uses and activities subject to the coastal management program are treated in one of three ways: permitted as of right; permitted conditionally; or prohibited.

Uses permitted as of right require no permission from the Borough, but they must meet all applicable Federal and State standards. Conditionally permitted uses require Borough permission, granted in the form of a permit. Prohibited uses are not allowed under any circumstances.

The Zoning section of this Framework Plan describes which uses are permitted as of right, permitted conditionally, or prohibited in the five zoning districts. Proposed standards for the issuance of permits and procedures for permit applications are contained in the proposed zoning Ordinance and will not be discussed further in this text.

A second means of implementing the coastal management program will be through Borough review of State actions for compliance with, and Federal actions for consistency with, the adopted and approved Borough program. The Borough will routinely review proposed State and Federal agency actions, which include the issuance of permits and the sale of oil and gas leases, for compliance or consistency.

ZONING

The proposed zoning Ordinance is the Borough's primary tool for implementing its district coastal management program. The Ordinance establishes a "coastal zone district" which is the broad area subject to coastal management. The proposed boundaries of the coastal zone district for the mid-Beaufort region are illustrated on the Plan Map. Other coastal zone districts may be created in other segments of the Borough's coastal area in the future.

Because of unique conditions, activities or resources, State law allows the Borough to designate areas within the coastal region as areas that "merit special attention." To meet this requirement, the proposed zoning ordinance establishes four supplemental districts: (1) conservation; (2) geophysical hazard; (3) deferred development; and (4) service base and production. Within the broad coastal zone district described above, the Borough may create as many or as few supplemental districts as it deems appropriate through a mapping process. The supplemental districts, however, must always be located within the coastal zone district. The proposed ordinance also establishes "buffer areas" along the coast, lakes, streams and other areas. Thus, the Plan Map indicates that within the boundaries of the mid-Beaufort coastal zone district, while some areas have no supplemental designation, others are proposed to be designated conservation; geophysical hazard; deferred development; and service base and supply. Buffer areas are also indicated.

Uses and activities within each of the supplemental districts are controlled by regulations that are applicable only to that area and not to other supplemental districts or to the coastal zone district generally. See Plan Map for descriptions of districts and buffer areas.

USES OF STATE CONCERN

Under the Alaska Coastal Management Act, certain uses or activities are deemed "uses of State concern." In reviewing district coastal management programs, the Alaska Coastal Policy Council must find that uses of State concern have not been "arbitrarily or unreasonably restricted or excluded."

In 1979, the Act was amended to define "activities pursuant to oil and gas leases" as uses of State concern. Thus, many of the oil- and gas-related activities subject to the Borough's coastal management program are uses of State concern, subject to the "arbitrary or unreasonable restriction or exclusion" test. However, under the Act, "uses of more than local concern, including those land and water uses which confer significant environmental, social, cultural or economic benefits or burdens beyond a single coastal resource district" are also uses of State concern. Subsistence is, therefore, also a use of State concern.

Fishing, hunting and foraging form the core of Inupiat culture. These activities bring stability to a people balanced between a cash economy and a traditional dependence on land and natural resources. Inupiat culture is so closely tied to subsistence that a loss of land or wildlife through developmental impacts may mean the loss of a culture that has survived for centuries through interdependence with the natural environment. In a world where the pressures towards conformity are overwhelming, the preservation of diverse cultures enriches Alaska—and our nation—with depth, understanding and beauty.

Subsistence, in turn, depends upon a healthy natural environment. Sea mammals, fish, birds and caribou that depend on the Beaufort Sea respect no political boundaries in their migrations. The basic natural processes that are shaped in the Arctic, including climate and ocean currents, are worldwide in scope. The preservation of this environment is, therefore, of international importance, and subsistence is clearly a use which confers significant environmental, social and cultural benefits beyond the boundaries of the North Slope Borough.

To the extent possible, the Borough's coastal management program attempts to accommodate both subsistence and industrial activities, including energy development. Where the two uses are irreconcilable, however, the priority is subsistence. Although this may, in some instances, result in a restriction or exclusion of one use of State concern in order to preserve another, it is neither an arbitrary nor an unreasonable choice to make.

ADMINISTRATION

Administration of the Borough's proposed coastal management program for the mid-Beaufort region will primarily involve the work of the Planning Commission, the Assembly, and a proposed new Borough official, the Coastal Management Administrator. The villages within the region will also play a role. Detailed staff and budgetary needs of the Borough will be formulated at a later time.

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